

A/RE

DOCKET NO. : GLIS-0064

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Reissue Application of:

Buhr, *et al.*

U.S. Patent No.: 5,672,697

Issued: September 30, 1997

Serial No.: 652,978

Group Art Unit: 1623*

Filing Date: February 8, 1991

Examiner: G. Kunz*

For: NUCLEOSIDE 5'-METHYLENE PHOSPHONATES

EXPRESS MAIL LABEL NO: EL40122685US
DATE OF DEPOSIT: September 29, 1999

Assistant Commissioner for Patents
Washington DC 20231

Sir:

REISSUE APPLICATION TRANSMITTAL LETTER

Transmitted herewith is the application for reissue of U.S. Patent No. 5,672,697, issued on September 30, 1997, of Chris Buhr, Mark Matteuicci, Norbert W. Bischofberger, and Brian Froehler, entitled NUCLEOSIDE 5'-METHYLENE PHOSPHONATES.

Enclosed are the following:

1. SPECIFICATION, CLAIM(S) AND DRAWING(S)

☒ 39 page(s) of specification

☒ 5 page(s) of claims

☒ 1 page(s) of abstract

Note: This must include the entire specification and claims of the patent, with the matter to be omitted by reissue enclosed in square brackets; and any additions made by the reissue must be underlined, so that the old and new specifications and claims may be readily compared. Claims should not be renumbered and the numbering of claims added by reissue should follow the number of the highest numbered patent claim.

* Enter the Group Art Unit and Examiner from which the original patent was issued.

- ☐ sheet(s) of ☐ formal/☐ informal drawings.
- ☐ No changes in the drawings upon which the original patent was issued are to be made. Therefore, in accordance with 37 C.F.R. § 1.174, please find attached, in the size required for original drawings:
- ☐ a copy of the printed drawings of the patent.
- ☐ a photoprint of the original drawings.

2. **DECLARATION AND POWER OF ATTORNEY**

- ☒ 8 Pages of declaration and power of attorney.
- ☐ An Associate Power of Attorney.

3. **PRELIMINARY AMENDMENT (check if applicable)**

- ☐ enclosed herewith.

4. **OFFER TO SURRENDER THE ORIGINAL LETTERS PATENT IN ACCORDANCE WITH 37 C.F.R. § 1.178 IS ATTACHED**

- ☒ Offer to surrender is by the inventor.
- ☒ along with assent of assignee.
- ☐ Offer to surrender is by the assignee of the entire interest (and the reissue application does not seek to enlarge the claims of the original patent).

5. **LETTERS PATENT**

- ☐ Original letters patent attached.
- ☐ Declaration that original letters patent lost or inaccessible.
- ☒ Original letters patent or declaration that original letters patent lost or inaccessible will be submitted after prosecution on the merits but before the application has been allowed.

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Note: "The application may be accepted for examination in the absence of the original patent or the declaration but one or the other must be supplied before the case is allowed." 37 C.F.R. § 1.178.

Note: "If a reissue be refused, the original patent will be returned to applicant upon his request." 37 C.F.R. § 1.178.

6. CONSENT OF ASSIGNEE AND ASSIGNEE'S INTEREST

In accordance with 37 C.F.R. §1.171(a), this application for reissue is accompanied by Consent of Assignee for Reissue and Assignee's Statement of Ownership Interest [37 C.F.R. §3.73(b)] with:

☐ Copy or copies of recorded documentary evidence of a chain of title from the original owner to the assignee.

☒ Designation by reel and frame where documentary evidence of a chain of title from the original owner to the assignee is recorded in the Office.

7. INFORMATION DISCLOSURE STATEMENT (check if applicable)

☐ attached.

8. PRIORITY - 35 U.S.C. § 119

☐ Priority of application Serial No. @@ filed on @@ in @@ (country) is claimed under 35 U.S.C. § 119.

☐ The certified copy has been filed in prior application Serial No. @@ filed on @@

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9. FEE CALCULATION (37 C.F.R. §§ 1.16(h), (i) and (j))

			SMALL ENTITY		NOT SMALL ENTITY	
			RATE	FEE	RATE	FEE
			\$380.00	\$	\$760.00	\$
	No. Filed	No. Extra				
TOTAL CLAIMS	26- 20 <u>OR</u> the number of claims in original patent, whichever is greater =	6	\$9 each	\$	\$18 each	\$108.0
INDEP. CLAIMS	minus number of independent claims in original patent =	9	\$39 each	\$	\$78 each	\$702.00
MULTIPLE DEPENDENT CLAIMS ARE TREATED AS ORDINARY CLAIMS FOR FEE PURPOSES. 37 C.F.R. §1.16(j).						
TOTAL FILING FEE DUE				\$		\$1,570.00

10. SMALL ENTITY STATUS (if applicable)

Note: A new verified statement is required for the reissue even if one has been filed in the original patent.

- ☐ A Verified Statement Claiming Small Entity Status under 37 C.F.R. §§ 1.9 and 1.27 is enclosed.

11. METHOD OF PAYMENT OF FEES

- ☒ A check in the amount of \$1,570.00 is attached. Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050.
- ☐ Please charge my Deposit Account No. 23-3050 in the amount of \$.

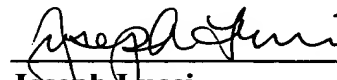
12. AUTHORIZATION TO CHARGE ADDITIONAL FEES

- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 23-3050.

- ☒ Any additional filing fees required under 37 C.F.R. §§ 1.16(a), (f) or (g) (filing fees) including fees for presentation of extra claims (37 C.F.R. §§ 1.16(b), (c) and (d)).
- ☒ Any additional patent application processing fees under 37 C.F.R. § 1.17 and under 37 C.F.R. § 1.20(d).
- ☒ The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. 23-3050.
- ☒ Any patent application processing fees under 37 C.F.R. § 1.17 and under 37 C.F.R. § 1.20(d).
- ☐ The issue fee set in 37 C.F.R. § 1.18 at or before mailing of the Notice of Allowance, pursuant to 37 C.F.R. § 1.311(b).
- ☒ Any filing fees under 37 C.F.R. § 1.16 including fees for presentation of extra claims.

This sheet is attached in duplicate.

Date: September 29, 1999



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